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COMMISSION ON HUMAN RIGHTS

Forty-seventh session

SUMMARY RECORD OF THE 53rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 6 March 1991, at 10 a.m.

Chairman: Mr. BERNALES BALLESTEROS (Peru)

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The meeting was called to order at 10.40 a.m.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS RELATING TO AGENDA ITEMS 21, 24, 19, 13, 20, 23 and 25 (continued)

Draft resolution E/CN.4/1991/L.83 (agenda item 21)

1. Mr. ARTEAGA (Venezuela), introducing the draft resolution relating to assistance to Guatemala in the field of human rights, on behalf of its sponsors, who had been joined by Bolivia and Uruguay, said that the draft took into account the report by the independent Expert, Mr. Tomuschat (E/CN.4/1991/5 and Add.1), the Commission and Sub-Commission resolutions, and the commitment given by the new Constitutional Government of Guatemala to guarantee observance of human rights and fundamental freedoms. Convinced that peace was essential for the observance of human rights, the sponsors noted with satisfaction the talks which had taken place in the presence of a representative of the United Nations Secretary-General between the various sectors of Guatemalan society and the Unidad Revolucionaria Nacional Guatemalteca, and urged the Government to continue to give encouragement to that process. They deplored the serious violations of human rights which had occurred in Guatemala in 1990, particularly with regard to indigenous populations, and suggested that the Guatemalan authorities should pay special attention to the recommendations made by the independent Expert in his report. Finally, the Secretary-General was requested to extend the mandate of the independent Expert and to continue to provide the Government of Guatemala with advisory services in the field of human rights. His delegation was confident that the draft resolution could be adopted by the Commission without being put to a vote.

2. Mr. PACE (Secretary of the Commission), informed the Commission of the administrative and financial implications of the draft. He said that if the mandate of the independent Expert was to be extended, there would be financial implications in the amounts of $101,800 in 1991 and $37,400 in 1992 to cover the travel expenses of the Expert and the attendant staff, as well as the cost of temporary assistance at the Centre for Human Rights. The expenditures would be financed under Section 24 (Regular Programme of technical cooperation) of the budget.

3. Draft resolution E/CN.4/1991/L.83 was adopted without a vote.

4. Ms. ANDREYCHUK (Canada) recalled that, although her delegation had joined the consensus following the Commission's decision to review the question of assistance to Guatemala in the field of human rights under agenda item 21, it still thought that it would have been more appropriate to study that question under item 12, in the interest of respect for human rights.

5. Mr. HESSEL (France) congratulated the sponsors of the draft resolution which had just been adopted and Venezuela in particular. The sponsors had managed to couch it in terms that took into account the wish of many delegations that the human rights situation in Guatemala should be given serious consideration and kept under review by the Commission.

Draft resolution E/CN.4/1991/L.73 (agenda item 24 (a))

6. Mr. RONQUIST (Sweden), introducing the draft resolution on the implementation of the Convention on the Rights of the Child on behalf of its sponsors, who had been joined by Czechoslovakia, France, Iceland, Luxembourg, Morocco and Venezuela, recalled that in resolution 1990/74 the Commission had decided to include the question of the Convention on the Rights of the Child in its agenda. The Commission, at the current session, had rightly broadened the discussion to include other matters concerning the rights of the child, such as the report of the Special Rapporteur on the Sale of Children and drafts relating to the programmes of action on the sale and exploitation of children. The rights of children were now fully recognized as a major concern of the Commission.

7. The successful conclusion of the World Summit for Children, held in New York on 29 and 30 September 1990, was welcomed with satisfaction in the draft resolution under consideration. The Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s would be one of the most useful ways of making the rights declared in the Convention a reality. Accordingly, all countries should be encouraged to implement the Plan of Action at the national and international level. The draft resolution also underlined the importance of the role of UNICEF and the United Nations in promoting the well-being of children and their development. The entry into force of the Convention on the Rights of the Child, on 2 September 1990, marked a significant point in the efforts undertaken at the international level to promote effective universal respect for human rights and fundamental freedoms. While it was gratifying that an unprecedented number of States had signed and ratified, or acceded to, the Convention, all States should be urged to do likewise as a matter of priority.

8. The sponsors of the draft resolution also stressed the need to disseminate information on the Convention and its implementation, and invited United Nations agencies as well as intergovernmental and non-governmental organizations to support the action of States parties, thus helping to give effect to the rights recognized in that instrument. Lastly, the draft resolution recognized the importance of the Committee on the Rights of the Child, and requested the Secretary-General to provide it with the necessary facilities.

9. With the adoption of the draft resolution, the Commission would decide to consider the report of the Secretary-General at its forty eighth session under the item entitled "Rights of the Child". The numerous countries sponsoring the draft resolution trusted that it would be adopted without a vote.

10. Mr. NASIER (Indonesia) and Mrs. JOHM (Gambia) announced that they wished to become sponsors of the draft resolution.

11. Draft resolution E/CN.4/1991/L.73 was adopted without a vote.

Draft resolution E/CN.4/1991/L.4/Rev.1 (item 24 (b) of the agenda)

12. Mr. PACE (Secretary of the Commission) said that the title of the draft resolution - "Report of the Special Rapporteur on the Sale of Children" - should be deleted. In the penultimate preambular paragraph, the word "recalling" should be replaced by "recognizing"; and, in the last preambular paragraph, the word "including" should be added after the word "levels".

13. Mrs. DIAS SANTOS (Portugal), introducing the draft resolution relating to the sale of children, child prostitution and child pornography on behalf of the sponsors, said that it was the outcome of lengthy consultations among various delegations and took account of their concerns. Under the draft resolution, the Special Rapporteur who, by resolution 1990/68 had been appointed the preceding year by the Commission to examine the matter, was requested to continue his work, taking into account the conclusions and recommendations which appeared in his preliminary report, and to report on his activities to the Commission at its next session. In view of the importance of protecting the rights of the child, the sponsors trusted that the draft resolution would be adopted without a vote.

14. Mr. ZAMIR (Bangladesh) proposed that a minor drafting amendment should be made in the last preambular paragraph of the revised draft resolution, so that it would then read: "... at the national and international levels, including in the governmental and non-governmental spheres".

15. Mr. PACE (Secretary of the Commission), referring to the administrative and financial implications of the draft resolution, said that, in addition to the mandate that would be entrusted to him under paragraphs 2, 3 and 4, the Special Rapporteur would also be requested, under paragraph 7, to consider the possibility of submitting his comments and suggestions to the Working Group on Contemporary Forms of Slavery, and if possible, to lend his assistance to that Group. For that purpose, the Special Rapporteur would have to come to Geneva for five working days in May/June 1991 to submit his observations to the Working Group on Contemporary Forms of Slavery, again in December 1991 and January 1992 to draw up the report addressed to the Commission and, finally, in February/March 1992 to submit his report. The Special Rapporteur, accompanied by two officials from the Centre for Human Rights, would undertake three missions away from Geneva at the most in 1991-1992. That would involve expenditures amounting to $98,200 in 1991 and $34,900 in 1992, which would be financed under Section 23 (Human Rights) of the budget. The estimated cost of interpretation services for the missions away from Geneva was $5,000 for each mission, which would be financed under Section 29 (b) (Conference Services Division, Geneva) of the budget. As the financial implications of the resolution did not exceed the funds allocated under Section 23 (Human Rights), it would not be necessary to request the appropriation of further funds or to draw on the Reserve Fund.

16. Draft resolution E/CN.4/1991/L.74/Rev.1, as revised and orally amended, was adopted without a vote.

Draft resolution E/CN.4/1991/L.78 (agenda item 24 (c) and (d))

17. Mrs. GALVIS (Colombia), introducing the draft resolution on behalf of the sponsors, said that the title, in all languages, should read "Rights of the child" and that the sub-title, in the Spanish text, should read: "Proyecto de resolución sobre venta de niños, prostitución, pornografía y sobre la explotación laboral de los niños" to make it clear that the draft resolution dealt with two different programmes of action. Also, the wording of the second preambular paragraph and of paragraph 2 should be brought into line, in all languages, including a reference to document E/CN.4/1991/50 and Add.1.

18. To prevent the abuses of which children were the victims, the Working Group on Contemporary Forms of Slavery, an organ of the Sub-Commission, had been requested to draw up a programme of action for prevention of sale of children and another programme for the elimination of the exploitation of child labour; a Special Rapporteur had been appointed to examine the question of the sale of children, child prostitution and child pornography.

19. The draft programme of action for prevention of sale of children had already been referred for consideration to interested Governments, specialized intergovernmental agencies and non-governmental organizations, and the Special Rapporteur had drawn up a preliminary report. It would therefore be advisable for the Sub-Commission to take account of the comments in documents E/CN.4/1991/50 and Add.1 and E/CN.4/1991/51 so that it could make the necessary amendments to the draft programme of action and also take account of the 10 points of the plan of action of the World Summit for Children, with the participation of the Special Rapporteur.

20. The Programme of Action for the Elimination of the Exploitation of Child Labour should also be transmitted for comment to interested Governments, specialized agencies and non-governmental organizations. In order to enable the Sub-Commission to give priority consideration to both programmes at its forty-third session, the relevant documents must be made available as soon as possible to members of the Working Group on Contemporary Forms of Slavery and to States and interested specialized agencies and non-governmental organizations as an essential prerequisite for their participation in the review of the programme of action for prevention of sale of children and for giving their comments on the Programme of Action for the Elimination of the Exploitation of Child Labour.

21. Her delegation trusted that the draft resolution would be adopted by consensus, and thanked in particular the non-governmental organizations which had contributed to its preparation.

22. Draft resolution E/CN.4/1991/L.78, as orally revised, was adopted without a vote.

Draft resolution VII of document E/CN.4/1991/2

23. Mr. DAYAL (India) said he wondered whether it was necessary to take a decision on the Sub-Commission's draft resolution, relating to the exploitation of child labour, since draft resolution E/CN.4/1991/L.78 of the Commission, which answered the same concerns, had just been adopted. Under Section II of the latter resolution, the Commission endorsed resolution 1990/VII and decided to transmit the draft programme of action annexed to the resolution transmitted by the Sub-Commission (E/CN.4/1991/2, pp. 9 to 15) to interested Governments, specialized agencies and non-governmental organizations.

24. Mrs. GALVIS (Colombia) endorsed the Indian representative's comments.

25. The CHAIRMAN said he took it that the Commission considered that the adoption of draft resolution E/CN.4/1991/L.78 entailed the adoption of draft resolution VII, as in document E/CN.4/1991/2.

26. It was so decided.

27. Mr. SCHERK (Austria), speaking on a point of order, said that, in his view, express reference should be made to the annex to draft resolution VII in the text set forth in document E/CN.4/1991/L.78, now a resolution of the Commission.

28. The CHAIRMAN said that the appropriate drafting amendment would be made to paragraph 10 of the draft resolution (since adopted) by the addition of some wording such as "including its annex".

29. Mr. CROOK (United States of America) said that, while he had joined in the consensus on draft resolutions E/CN.4/1991/L.74/Rev.1 and E/CN.4/1991/L.78, both of which referred to Mr. Muntarbhorn's report, he remained concerned at the way in which the latter dealt with the question of trafficking in organs. It might be thought, on reading the report, that the question remained open, whereas Interpol, the FBI and many other competent agencies had confirmed that no allegation concerning the sale of children, particularly in the United States, for the purpose of the transplantation of organs, had been supported by evidence. The matter, which was based on rumour, should be closed, and the Commission should turn its attention to real problems.

30. With regard to draft resolution VII, he wished to express his misgivings at the overloading of the Sub-Commission's programme of work. Such overloading was in any event unnecessary, since the Sub-Commission had been entrusted with certain work that was already being undertaken elsewhere. It was a regrettable example of an overlapping of activities.

31. Mr. DAYAL (India), explaining his position on draft resolutions E/CN.4/1991/L.74/Rev.1 and E/CN.4/1991/L.78, said that he too was concerned at the overlapping of activities implied by the adoption of draft resolution VII proposed by the Sub-Commission. In his view, so far as the first of those draft resolutions was concerned, the Special Rapporteur had given too broad an interpretation to his mandate, as laid down in paragraph 1 of Commission resolution 1990/68. Mr. Muntarbhorn had dealt with the questions of child labour and child slavery when they were already being dealt with by a working group. Moreover, the elimination of the exploitation of child labour was the actual subject of the draft programme of action which appeared in the annex to resolution VII proposed by the Sub-Commission.

32. With regard to document E/CN.4/1991/L.78, he regretted that the wording of paragraph 1 had not been modelled on the wording of paragraph 1 of document E/CN.4/1991/L.74/Rev.1, since Mr. Muntarbhorn had carried out only a preliminary evaluation as, indeed, he himself noted in paragraph 6 of his report. India had joined in the consensus but was not altogether satisfied with that report.

33. Mrs. RUESTA DE FURTER (Venezuela) said that her delegation had joined in the consensus on draft resolution E/CN.4/1991/L.74/Rev.1 in view of the importance of the subject dealt with. In its view, however, the Commission should have encouraged the Special Rapporteur to continue his work in the light not only of the recommendations he made, but also of the results of his possible participation in the sixteenth session of the Working Group on Contemporary Forms of Slavery. That approach would have made for closer coordination between two United Nations organs and two United Nations services, with its inherent benefits. Later on, it would perhaps be possible to establish such coordination formally but in the meantime an attempt should be made to give it substance in practice.

34. Mr. SENE (Senegal) said that his delegation, which had sponsored draft resolution E/CN.4/1991/11.73, was becoming ever more convinced of the importance of the Convention on the Rights of the Child. A British charitable organization had announced that 15 million African children were threatened by armed conflicts, natural catastrophes, disease and other ills, and had stressed the need to provide those children with assistance as a matter of the utmost urgency. Such assistance would be wholly in keeping with the Declaration and plan of action adopted at the World Summit for Children. He also stressed the importance of the Commission's invitation to United Nations institutions and agencies and also to intergovernmental and non-governmental organizations to contribute to the protection of children by helping to put the plan of action into effect.

Draft resolution E/CN.4/1991/L.52 (agenda item 19)

35. Mr. MARTIUS (Germany) introduced the draft resolution, which concerned the Sub-Commission's work, and drew attention to its new elements. Those elements related to the dialogue which had been initiated between the Commission and the Sub-Commission, as a result of which both bodies had been kept informed of the activities of the other and the Sub-Commission had reformed its working methods. The reforms in question should make for more detailed discussion in the Sub-Commission and deserved encouragement. The wording of the draft resolution, however, left it to members of the Sub-Commission to decide on how to proceed.

36. His delegation trusted that the draft resolution would be adopted without a vote.

37. Mr. PACE (Secretary of the Commission on Human Rights), referring to the financial implications of the draft resolution, said that under paragraph 20, the Commission on Human Rights would request the Chairman of the Sub-Commission to report to it on the implementation of the guidelines laid down in the resolution. That meant that the Chairman of the Sub-Commission would spend five days in Geneva during the forty-eighth session of the Commission. The estimated cost of that stay was $2,700, which should be included under sections 23 and 28 of the budget.

38. Draft resolution E/CN.4/1991/L.52 was adopted without a vote.

39. Mr. SENE (Senegal) said that he welcomed the adoption of draft resolution E/CN.4/1991/L.52. It was also gratifying to note the climate of collaboration which reigned between the Commission and the Sub-Commission despite the criticisms made with respect to the Sub-Commission, whose work was a useful complement to that of the Commission, particularly in the case of the establishment of thematic studies and the preparation of norms for new problems affecting human rights. The Sub-Commission should, however, examine ways of improving its effectiveness by avoiding duplication and any politicization of its debates, so that it could concentrate solely on matters relating to human rights. The time had come for the Sub-Commission to consider the matter in a completely objective manner with a view to streamlining and simplifying its work and improving coordination with the Commission.

Draft resolution E/CN.4/1991/L.62 (agenda item 19)

40. Mr. MARANTZ (Canada) introduced draft resolution E/CN.4/1991/L.62, concerning the preparation of the International Year for the World's Indigenous Peoples, on behalf of the sponsors, which had been joined by Cyprus and the Philippines. He thanked the indigenous organizations for the opinions and assistance with which they had provided the authors of the draft resolution. The resolution represented the culmination of the deliberations of the Working Group on Indigenous Populations, and it was now for Governments, intergovernmental organizations and indigenous and non-indigenous organizations to take the appropriate steps to achieve the objective of the International Year, namely, to strengthen international cooperation with a view to resolving the problems of indigenous communities.

41. Accordingly, paragraph 1 of the draft resolution recommended that the specialized agencies, regional commissions and other United Nations organizations should consider ways of achieving that objective with the help of the indigenous populations. The object of paragraphs 2 and 3 was to encourage international cooperation particularly by means of the exchange of information between Governments and organizations. Also, in paragraph 4, the Secretary-General was requested to take account of the work carried out by the Working Group and the Sub-Commission, which were known for their experience and competence in elaborating norms.

42. His delegation expressed the hope, on behalf of the sponsors, that the draft resolution would be adopted by consensus.

43. Draft resolution E/CN.4/1991/L.62 was adopted without a vote.

Draft resolution E/CN.4/1991/L.76 (agenda item 19)

44. Mr. van BANNING (Observer for the Netherlands), introducing draft resolution E/CN.4/1991/L.76 relating to the report of the Working Group on Contemporary Forms of Slavery, an organ of the Sub-Commission, said that the draft largely reproduced resolution 1990/63 which the Commission had adopted without a vote at its forty-sixth session.

45. In its preambular part, the draft resolution recalled the provisions of the various anti-slavery conventions and the relevant resolutions and expressed concern at the continued existence of the phenomenon and its modern manifestations. It expressed appreciation of the valuable work done by the Working Group (para. 1) and invited States which had not yet ratified the relevant conventions to do so (para. 3). The draft resolution also recommended that the ILO supervisory bodies and human rights treaty bodies should give particular attention to articles aimed at combating contemporary forms of slavery. Paragraph 12 invited the Special Rapporteur on sale of children, child prostitution and child pornography to examine ways and means of cooperating with the Working Group. It was to be hoped that the Special Rapporteur would be able to attend the Working Group's sixteenth session in July 1991. Lastly, it was proposed that the Commission should recommend that the concerns expressed in the draft should be fully considered during the Working Group's sixteenth session when the main theme would be the prevention of the traffic in persons and the exploitation of the prostitution of others (para. 16).

46. After pointing out that the word "for" in the second line of operative paragraph 9 should be replaced by the word "on", he expressed the hope that the draft would be adopted without a vote.

47. Mrs. RUESTA DE FURTER (Venezuela) asked for her country's name to be added to the list of sponsors of draft resolution E/CN.4/1991/L.76.

48. Draft resolution E/CN.4/1991/L.76 was adopted without a vote.

Draft resolution E/CN.4/1991/L.79/Rev.1 (agenda item 19)

49. Mr. MARANTZ (Canada), introducing draft resolution E/CN.4/1991/L.79/Rev.1 on behalf of the sponsors, who had been joined by Finland, recalled that the object of the draft resolution, which related to discrimination against indigenous peoples, was as set forth in Economic and Social Council resolution 1982/34 of 7 May 1982. In that resolution, the Council had authorized the Sub-Commission to establish annually a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous people, giving special attention to the evolution of standards concerning the rights of indigenous people. The draft took note with satisfaction of the progress achieved by the Working Group in the area of standard-setting and welcomed the flexible methods of work adopted by the Working Group (para. 1). Paragraphs 4, 5, 6 and 7 emphasized the need to provide the Working Group with all requisite means to enable it to carry out its task, bearing in mind, as stated in the fifth preambular paragraph, the diverse realities of indigenous people. Despite the financial difficulties facing the United Nations and some of its Member States, the importance of the activities proposed in subparagraphs (b), (c) and (d) of paragraph 8 had to be emphasized. Lastly, operative paragraphs 9 and 10 appealed to all Governments and organizations to contribute to the United Nations Voluntary Fund for Indigenous Populations, whose efforts were enabling those populations to make their views and their specific concerns known.

50. Mr. PACE (Secretary of the Commission), speaking on the financial implications of draft resolution E/CN.4/1991/L.79/Rev.1, said that a number of activities were envisaged to meet the requests formulated in paragraphs 5 and 8 (d) of the draft. Those activities would be based on the plan which the Chairman-Rapporteur of the Working Group on Indigenous Populations proposed to follow in carrying out her mandate, in particular in view of the current working methods of the Working Group based on a continued participation of and dialogue between representatives of indigenous peoples, Governments and members of the Working Group.

51. In 1991, the total costs relating to (1) travel and subsistence of the Chairman-Rapporteur of the Working Group for one week of consultations with the Centre for Human Rights at Geneva with a view to preparing an analytical commentary on the articles of the draft declaration currently in preparation and (2) travel and subsistence of 35 participants in the envisaged regional training course would amount ito $US 99,000, that amount, which would be financed from the regular budget of the United Nations, being itemized in the following manner: $11,500 under Section 23 (Human Rights) and $87,500 under Section 24 (Regular programme of technical cooperation) of the programme budget. Additional conference costs under Section 29 B (Conference Services Division, Geneva) were calculated at $137,800 for 1991.

52. Mr. COOK (United States of America) said that, in view of the financial difficulties preventing the United Nations from allocating all necessary resources to human rights, his delegation could not support the proposal to hold a regional training course on the United Nations, human rights and indigenous people as a matter of the highest priority, as envisaged in paragraph 8 (d) of draft resolution E/CN.4/1991/L.79/Rev.1. His delegation therefore requested that the subparagraph in question, which it would wish to have deleted, should be put to the vote.

53. Mr. SCHERK (Austria), speaking on a point of order, asked whether the Somali delegation, which had been absent during the consideration of certain questions under the confidential procedure, was now represented and would participate in the vote.

54. Mr. PACE (Secretary of the Commission) replied that consultations were in progress with a view to determining the precise situation with regard to the Somali delegation. For the present, in the absence of instructions to the contrary from Headquarters, Somalia was represented by the delegation accredited for that purpose at the beginning of the session.

55. The CHAIRMAN invited the members of the Commission to vote on paragraph 8 (d) of draft resolution E/CN.4/1991/L.79/Rev.1.

56. Paragraph 8 (d) of draft resolution E/CN.4/1991/L.79/Rev.1 was adopted by 41 votes to 1.

57. Draft resolution E/CN.4/1991/L.79/Rev.1 as a whole was adopted without a vote.

58. Mr. COOK (United States of America) said that his delegation maintained its reservations with regard to paragraph 8 (d) of the draft resolution, although it had joined the consensus on the draft as a whole.

59. The CHAIRMAN said that, draft resolution E/CN.4/1991/L.79/Rev.1 having been adopted, it was his understanding that the Commission need not take a decision on draft decision 2 reproduced in chapter IB of the report of the Sub-Commission (E/CN.4/1991/2) which dealt with the same question and consideration of which had been postponed.

Draft resolution E/CN.4/1991/L.58 (agenda item 13)

60. Ms. FUCHS (Mexico), speaking on behalf of the sponsors, as well as of India, Madagascar and Uruguay, introduced draft resolution E/CN.4/1991/L.58 concerning the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. The operative part of the draft resolution welcomed the adoption of the International Convention by the General Assembly in December 1990, urged all States to consider signing and ratifying that instrument, and expressed the hope that it would enter into force at an early date. Furthermore, the draft called upon the Secretary-General to assume an active role in disseminating information on the International Convention and to report to the Commission at its forty-eighth session on the status of the International Convention. Her delegation, like all others which had participated in drafting the draft resolution, hoped that it would be adopted without a vote.

61. Mr. SEZAKI (Japan) said that his delegation would join the consensus on the draft resolution but maintained the reservation it had expressed when the Convention had been adopted by the General Assembly in 1990.

62. Mr. AMOO-GOTTFRIED (Ghana) said that his delegation wished to join the draft resolution's sponsors.

63. Draft resolution E/CN.4/1991/L.58 was adopted without a vote.

64. Mr. KONIG (Germany) said that his Government had explained its position on the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families following the Convention's adoption by the General Assembly. His delegation had joined in the consensus on the text in a spirit of cooperation and despite having serious reservations. The German Government maintained those reservations and was not in a position to sign or ratify the Convention.

Draft resolution E/CN.4/1991/L.59 (agenda item 20)

65. Ms. RADIC (Yugoslavia) noted that the report of the Working Group on the drafting of the declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities (E/CN.4/1991/53 and Add.1 and 2) had not yet been issued. However, her delegation was ready to make a statement in introduction of the draft resolution, although the Commission would not adopt it until later, once the report of the Working Group had been circulated.

66. The CHAIRMAN invited the Yugoslav delegation to introduce draft resolution E/CN.4/1991/L.59.

67. Ms. RADIC (Yugoslavia), introducing draft resolution E/CN.4/1991/L.59 concerning the rights of persons belonging to national, ethnic, religious and linguistic minorities, first announced that the United Kingdom had expressed the wish to become a sponsor.

68. The first preambular paragraph recalled the conditions under which the Working Group on the drafting of a declaration on the rights in question had been set up. The following paragraphs had been taken from the preamble of the draft declaration as adopted in second reading. The last preambular paragraph recalled General Assembly decision 45/434 of 18 December 1990, in which the Assembly had encouraged the Commission on Human Rights to complete the final text of the draft declaration as soon as possible and to transmit it to the Assembly through the Economic and Social Council. In the operative part of the draft resolution, the Commission took note with satisfaction of the report of the Working Group which it had set up (E/CN.4/1991/53), expressed the desire to complete the second reading of the draft declaration as soon as possible, decided to consider the agenda item entitled "Rights of persons belonging to national, ethnic, religious and linguistic minorities" at its next session, and recommended to the Economic and Social Council that it should in turn adopt a draft resolution designed basically to enable the Working Group to continue its work in good conditions. Her delegation hoped that in due course draft resolution E/CN.4/1991/L.59 would be adopted without a vote.

69. Mr. PACE (Secretary of the Commission), stating the financial implications of draft resolution E/CN.4/1991/L.59, said that provision would have to be made for a total of $US 137,300, which would be financed under the section of the programme budget for conference services at Geneva.

70. The CHAIRMAN recalled that the United Kingdom delegation had become a sponsor of the draft resolution and said that if he heard no objection he would take it that the Commission adopted draft resolution E/CN.4/1991/L.59.

71. Ms. RADIC (Yugoslavia) pointed out that some delegations wished to have the Working Group's report before adopting the draft resolution.

72. The CHAIRMAN said that, in paragraph 1 of the draft resolution, the Commission merely took note of the report of the Working Group, and he thought therefore that the members of the Commission could proceed to adopt the text.

73. Draft resolution E/CN.4/1991/L.59 was adopted without a vote.

Draft resolution III contained in the report of the Sub-Commission (E/CN.4/1991/2) (agenda item 20)

74. The CHAIRMAN said that if there was no objection he would take it that the Commission adopted draft resolution III submitted by the Sub-Commission without a vote.

75. It was so decided.

Draft Resolution E/CN.4/1991/L.86 (agenda item 23)

76. Mr. BARKER (Australia) introduced draft resolution E/CN.4/1991/L.86 concerning a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. He pointed out first of all that in the first line of paragraph 1 the word "and" should be replaced by a comma. The draft resolution had been discussed intensively among the sponsors and with other interested delegations in a spirit of cooperation and consensus. The text provided for sufficient meeting time before the Commission's next session for the Working Group to be able to do its work in good conditions. It also stressed the importance of taking into account the opinions of all Member States and of interested intergovernmental and non-governmental organizations, before finalizing the draft declaration. Paragraph 6 recommended to the Economic and Social Council that it should in turn adopt a resolution authorizing the Working Group to meet for a period of two weeks prior to the forty-eighth session of the Commission on Human Rights.

77. The Commission's work on the future declaration was of great importance for the protection and promotion of human rights. In his statement introducing the Working Group's report to the Commission, the Chairman-Rapporteur had stressed the considerable progress which had been made on the draft declaration in recent years. Through draft resolution E/CN.4/1991/L.86 the sponsors provided the Commission with the means of completing the drafting of the future instrument without delay, while giving Member States the opportunity to express their opinions.

78. According to the envisaged timetable, it seemed that the Commission would be able to consider the draft declaration for adoption at its forty-ninth session. The adoption of the declaration in 1993 would be all the more significant since the World Conference on Human Rights was also to take place in that year, which would be the International Year for the World's Indigenous Peoples. For all those reasons, the Australian delegation hoped that the draft resolution would be adopted without a vote.

79. The CHAIRMAN announced that the Czechoslovak delegation had become a sponsor of draft resolution E/CN.4/1991/L.86.

80. Mr. PACE (Secretary of the Commission), stating the financial implications of draft resolution E/CN.4/1991/L.86, said that provision would have to be made for a total of $US 137,300, which would be financed under Section 29 of the budget.

81. Mr. ALFONSO MARTINEZ (Cuba) said that his delegation hoped that the Working Group would be able to submit a draft declaration to the Commission at its forty-ninth session. According to paragraph 1 of the draft resolution recommended to the Economic and Social Council for adoption, the Working Group was to meet immediately before the Commission's forty-eighth session. The Cuban delegation endorsed the text of the draft resolution, which had been drawn up in a spirit of compromise, and was in favour of its adoption by consensus.

82. Mr. XUEXIAN WANG (China) said that his delegation approved of the draft resolution in principle but reserved the right to comment after it had seen the Working Group's report. That applied also to the text of draft resolution E/CN.4/1991/L.58, which the Commission had already adopted.

83. Draft resolution E/CN.4/1991/L.86 was adopted without a vote.

Draft resolution E/CN.4/1991/L.56 (agenda item 25)

84. Mr. OGURTSOV (Observer for the Byelorussian Soviet Socialist Republic) introduced on behalf of the sponsors draft resolution E/CN.4/1991/L.56 concerning the role of youth in the promotion and protection of human rights. In the draft resolution, the Commission recognized that in many countries young people were facing serious problems in the exercise of their fundamental rights and it therefore called upon all States to take the necessary action for the exercise by youth of all human rights and fundamental freedoms, including the right to education and the right to work, with a view to creating conditions for the active participation of young people in the formation and implementation of programmes for the overall development of their countries. The delegation of the Byelorussian Soviet Socialist Republic hoped that the draft resolution would be adopted without a vote.

85. Draft resolution E/CN.4/1991/L.56 was adopted without a vote.

86. Mr. CROOK (United States of America), explaining his delegation's position on the text which had just been adopted, said that although the United States had joined in the consensus on draft resolution E/CN.4/1991/L.56 it did not endorse the central role which the text assigned to the strictly social and economic aspects of the promotion and protection of human rights.

Draft resolution E/CN.4/1991/L.66 (agenda item 25)

87. Mr. NOWAK (Austria), introducing draft resolution E/CN.4/1991/L.66 concerning conscientious objection to military service, recalled that in 1989 the Commission had adopted its resolution 1989/59 on the same topic without a vote. At its current session, the Commission had before it document E/CN.4/1991/64 which contained a number of interesting comments by Governments, United Nations bodies, specialized agencies and intergovernmental and non-governmental organizations. In draft resolution E/CN.4/1991/L.66 the Commission, having considered the report of the Secretary-General (E/CN.4/1991/64), requested him to report to it, at its forty-ninth session, on the question of conscientious objection to military service, taking into account the comments provided by Governments and further information received by him, and decided to consider the matter further on the basis of the Secretary-General's report. The Austrian delegation hoped that, as in 1989, the Commission would adopt the draft resolution without a vote.

88. Draft resolution E/CN.4/1991/L.66 was adopted without a vote.

89. Mr. ALFONSO MARTINEZ (Cuba), explaining his delegation's position, said that it had joined in the consensus on draft resolution E/CN.4/1991/L.66, but it must be understood that under Cuban law military service was a right and a duty for all citizens.

90. Mr. AL-KADHI (Iraq), explaining his delegation's position on the draft resolution which had just been adopted, said that military service was compulsory for all Iraqis. It was a duty which was now of vital importance in view of the challenges confronting Iraq. His delegation had not opposed draft resolution E/CN.4/1991/L.66 so as not to jeopardize the consensus which had emerged on the text.

The meeting rose at 1.05 p.m.